

Thomas Anusic

Pro Se

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

CELSIUS NETWORK LLC, *et al.*,¹

Debtors.

)
) Chapter 11
)

) Case No. 22-10964 (MG)

) (Jointly Administered)
)

The Honorable Martin Glenn

Chief Bankruptcy Judge

United States Bankruptcy Court for the Southern District of New York

Alexander Hamilton U.S. Custom House

One Bowling Green New York, NY 10004

Request for Mediation / Alternative Dispute Resolution.

Dear Chief Judge Glenn:

Mr. Anusic respectfully writes to you to request 1 of the following orders

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1. Appointment of a Mediator for Claims Asserting to HR national Pty Ltd and Thomas Anusic Pro-Se
 2. Alternatively Request M3 Partners addresses my claims immediately and state the reasons for their legal position on siding with the Debtor for all disputes in full detail. Including why have acknowledged the misreferencing of my contract and TOS as an acceptable defense.
 3. Alternatively Urge M3 to re-enter Negotiations in good faith starting with a bare minimum 36% recovery on par with the average creditors returns.

Reasons for request:

For the past 7 months I have tirelessly been following-up and contacting M3 to resolve my disputes and claims. W&C had also advised they would contact them at the start to prioritize my issues (Since all parties have been aware of my circumstances since Day 2 of the Bankruptcy as I believe I was the first Pro-Se to contact Gregory W&C and Nash from Kirkland Ellis.)

Unfortunately, I have not had my claims resolved, only to face endless delays with DOZENS of promised deadlines missed. Every time I was promised a response by EOD, Tomorrow or next week it was exclusively missed and it was months of torture.

Section 502(c) (estimation of claims),
Section 1123(a)(5) (timely filing of claims),
Section 1129(a)(9) (timely performance of plan obligations).

All deal with responsibilities regarding timely manner, a correct estimation of claims and filings. I believe it is now time to address these claims and immediately halt any further delays.

Section 704 (duties of trustee)
Section 1106 (duties of debtor in possession).

Also deal with a failure to perform – I would allege the Litigation Administrator is not performing the duties assigned in a reasonable time frame nor in good faith knowing they have access to documents I have sent that could be classed as “Undeniable” evidence for my positions.

The mere act of knowingly telling a creditor who is in severe financial distress that you will get back to them tomorrow then disappearing time and time again takes a special kind of mindset that appears to have no empathy or care for those they lead on and harm.

M3 may respond to this motion that they have just now hired a new attorney to look after claims and advised me it will happen in due course (This is not good enough they have had 7 months, it needs to be done immediately)

M3 might also respond to this motion and say that had just now informed me they **will not** negotiate or compromise. Basically, I am expected to suck it up and accept the plan's 12% recovery for my allowed classes. (This is also not good enough, not equitable, not fair and refuses to acknowledge several mitigating circumstances).

I was not one of the lucky ones to get a Top 100 Corporate Distribution, Lucrative Board Seats, Big Bonus or LOC Mandate. I am just a dissenting creditor materially affected by the not-so-perfect plan that didn't make allowance for some edge cases that were under dispute and I am attempting to resolve those disputes in good faith so I to can get a fair recovery. Your Honor, I need your help because otherwise the Trio will continue to act like a cartel, discount my rights and merits and harm Pro-Se's as much as they can with no regards to the damage they're doing to victims.

I am not an enterprise with large funds that can take an 85%+ hit and survive, or fund litigation without a backer/litigation funder. It's a Travesty of Justice that they continue to profit from hurting victims for months on end. They need to be ordered to expedite claim processing and appoint a true bi-partisan who is free of any conflicts or close relations with the current case professionals to date.

Regards.

Tom Anusic
Pro-Se Creditor